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The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HIROSHI MAEDA, YOUICHI KIMURA and RIEKO TODA

Appeal No. 2005-0436
Application No. 09/185,212¹

ON BRIEF

Before KRASS, SAADAT AND MACDONALD, Administrative Patent Judges.
SAADAT, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the Examiner's final rejection of claims 1-17, which are all of the claims pending in this application.

We affirm.

BACKGROUND

Appellants' invention relates to an image processing device for managing contents of image processing and image data for each inputted image. According to Appellants, appropriate image

¹ Application for patent filed November 3, 1998, which claims the foreign filing priority benefit under 35 U.S.C. § 119 of Japanese Application No. 9-313028, filed August 13, 1997.

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processing is applied to each inputted image data without applying unnecessary processing (specification, page 7). Additionally, in case of interruption in inputting the image, the remaining incomplete images are recognized and processed upon resuming the image processing (specification, page 8).

Representative independent claim 1 is reproduced as follows:

1. An image processing device which comprises image data input means for inputting image data, image data storage means for storing input image data received from said image data input means, image data confirmation means for confirming characteristics of each input image data, management table means for managing on an image basis as each image is inputted from the image data input means the characteristics of each input image data confirmed by said image data confirmation means as management information of said each input image data with reference to the corresponding each input image data stored in said image data storage means, and image processing means for performing image processing with respect to said each input image data,

wherein:

said management table means manages input request information indicative of a request for transmitting each processed input image data from said image processing means, and input completion information indicative of the completion of an input of said each input image data responsive to said request in connection with the corresponding each input image data stored in said image data storage means.

The prior art references of record relied upon by the Examiner in rejecting the appealed claims are:

Tanaka et al. (Tanaka)	5,682,549	Oct. 28, 1997
Suzuki et al. (Suzuki)	5,923,013	Jul. 13, 1999
		(filed May 5, 1997)

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Morikawa	5,960,247	Sep. 28, 1999
		(filed Nov. 10, 1997)
Kusumoto	6,088,135	Jul. 11, 2000
		(filed Oct. 9, 1997)

Claim 1-4, 6-10, 12, 14-17 stand rejected under 35 U.S.C. § 103 as being unpatentable over Suzuki and Tanaka.

Claim 11 stands rejected under 35 U.S.C. § 103 as being unpatentable over Suzuki, Tanaka and Morikawa.

Claim 13 stands rejected under 35 U.S.C. § 103 as being unpatentable over Suzuki, Tanaka and Kusumoto.

We make reference to the answer (Paper No. 23, mailed August 12, 2003) for the Examiner's complete reasoning in support of the rejection, and to the brief (Paper No. 22, filed May 16, 2003) and the reply brief (Paper No. 24, filed October 6, 2003) for Appellants' arguments thereagainst.

OPINION

With respect to the rejection of claims 1-4, 6-10, 12, 14-17 over Suzuki and Tanaka, Appellants argue that Suzuki controls the print system on a "page by page" basis which constitute the entire content of a page of a print job (brief, page 21). Appellants assert that such teachings are not related to the composition for a plurality of input image data required to form a page and is different from the claimed managing the process for

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each input image data (brief, page 23). Appellants further argue that, when considered in view of the disclosure, the claimed input image data refers to sub-page-images in contrast with the "so-called" page images taught in the references (reply brief, pages 3-5). With respect to Tanaka, Appellants argue that access to the stored data in the form of a document is through a so-called "small card" which is different from the claimed image processing device (brief, page 28).

In response, the Examiner relies on Appellants' disclosure which describes "the image output table manages for each page information relating to ..." and "identification number for identifying each page of the image data" (specification, page 44) which indicate that the disclosed images pertain to either page or document images (answer, page 12). The Examiner further argues that Tanaka was mainly relied on for teaching management table means that manages input request and completion information which would enhance the use of the management tables in precessing the requested images (answer, page 13).

As a general proposition, in rejecting claims under 35 U.S.C. § 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. See In re Rijckaert, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993) and In re Fine,

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837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Here, we find the Examiner's reliance on the teachings of Suzuki and Tanaka to be reasonable and sufficient to support a prima facie case of obviousness. In particular, we find that Suzuki discloses a print control system wherein the information related to the image data of each page is processed, stored and sent to a printer. We are not convinced by Appellants' argument that processing of the image data on a page or job basis of Suzuki may be distinguished from the claimed "image basis" of the inputted image data because the claims require sub-page images (reply brief, page 4). Appellants particularly rely on the disclosed details of the image data in pages 42, 44 and 53 of the specification for concluding that the claimed image data input refers to sub-page-images (reply brief, pages 4-7).

Reviewing these pages of the specification reveals that the image data of one page could include multiple images (page 42, lines 9-12). However, other parts of the specification refer to ID information for identifying "each page of the image" that has been processed (page 44) or processing images of documents (page 53). Although a page of the image or images of a document relate to the output after the input request and input completion steps are finished, there is nothing in the specification that requires

inputting multiple images for each page. In particular, the claims merely recite "image data" and "image basis" without any reference to how the image data corresponds to a page. In determining the scope of claim 1, limiting the term "image data" to something necessarily less than a page, would have placed us on the wrong side of the fine line between reading a claim in light of the specification, and reading a limitation into the claim from the specification. See Comark Communications, Inc. v. Harris Corp., 156 F.3d 1182, 1186, 48 USPQ2d 1001, 1005 (Fed. Cir. 1998). Here, although the specification allows the break up of a page into multiple images, neither the specification precludes an image data constituting a page image nor the claims require multiple images for each page.

We further disagree with Appellants arguments based on the use of a small card for storing and handling the image data and find the Examiner's stated reason for combining the references to be reasonable. In fact, the motivation, suggestion or teaching may come explicitly from statements in the prior art, the knowledge of one of ordinary skill in the art, or, in some cases the nature of the problem to be solved. See In re Dembiczak, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). The enhancements made to the management table by combining Tanaka

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with Suzuki provides sufficient teaching and suggestion in the references to show that one of ordinary skill in the art would have been led to look into other methods of image processing to enhance the use of management tables (answer, page 13).

In view of the analysis above, we find the Examiner's reliance on the combination of Suzuki and Tanaka to be reasonable and sufficient to support a prima facie case of obviousness with respect to claims 1 and 14. Accordingly, the 35 U.S.C. § 103 rejection of claims 1-4, 6-10, 12, 14-17 is sustained.

Regarding claims 11 and 13, we note Appellants' indication that they stand or fall with claim 1 (brief, page 15). Therefore we sustain the 35 U.S.C. § 103 rejection of claim 11 over Suzuki, Tanaka and Morikawa and of claim 13 over Suzuki, Tanaka and Kusumoto.

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CONCLUSION

In view of the foregoing, the decision of the Examiner rejecting claims 1-4 and 6-17 under 35 U.S.C. § 103 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv).

AFFIRMED

E. Krass
ERROL A. KRASS)
Administrative Patent Judge)
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